

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

Claims 1-4, 9-30, 35-40, 45-52 and 55-71 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement on the basis that the amended language "less than 35 dynes/cm" is not supported in the specification. Applicants respectfully submit that support is present since the compounds set forth as examples are within the claimed amended range. However, in view of the currently proposed amendment, in order to move prosecution forward, applicants have amended this range to read as originally claimed. Thus, the §112 rejection is rendered moot.

The outstanding rejections based on art are as follows:

- (1) Claims 1-4, 15-18, 23-26, 37-40, 47-52, 55-56 and 66-67 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,540,864 (Michael);
- (2) Claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56 and 66-68 under 35 U.S.C. §103(a) over U.S. Patent No. 5,849,681 (Neumiller '681);

- (3) Claims 9-10, 13-14, 19-22, 35-36, 45-46 and 57-58 under 35 U.S.C. §103(a) as unpatentable over Neumiller '681 as applied to the above claims, and further in view of U.S. Patent No. 5,716,921 (Neumiller '921);
- (4) Claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56, 59-60, 62-63 and 65-71 under 35 U.S.C. §103(a) over EP 0 527 625 A2 (Cummings);
- (5) Claims 11-12, 27-30, 35-36, 69 and 70 under 35 U.S.C. §103(a) over Michael as applied to the above claims;
- (6) Claims 9-10, 13-14, 19-22, 45-46 and 57-58 under 35 U.S.C. §103(a) over Michael as applied to the above claims, and further in view of Neumiller '921;
- (7) Claims 9-10, 13-14, 19-22, 35-36, 45-46 and 57-58 under 35 U.S.C. §103(a) over Cummings as applied to the above claims, and further in view of Neumiller '921;
- (8) Claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56 and 59-71 under 35 U.S.C. §103(a) over WO 99/11123 (Conway);

- (9) Claims 9-10, 13-14, 19-22, 35-36, 45-46 and 57-58 under 35 U.S.C. §103(a) over Conway as applied to the above claims, and further in view of Neumiller '921;
- (10) Claims 59-65, 68 and 71 under 35 U.S.C. §103(a) over Michael as applied to the above claims, and further in view of Conway;
- (11) Claims 59-65 under 35 U.S.C. §103(a) over Neumiller '681 as applied to the above claims, and further in view of Conway; and
- (12) Claims 61 and 64 under 35 U.S.C. §103(a) over Cummings as applied to the above claims, and further in view of Conway.

Initially, applicants note that independent claims 2 and 62 have been amended to further define the low volatile non-VOC evaporative organic solvent as a specified glycol ether as previously claimed in claims 3 and 4. Claims 3 and 4, therefore, are now canceled. Additionally, independent claims 2 and 62 have been amended to provide that the co-solvent further includes at least one alkanolamine. Support is present at pages 6-7, paragraph 0022. Dependent claims 38-40 and 45-48 specifically claim the alkanolamine as monoethanolamine. Independent claim 2 has also been amended to include at least one polyhydric alcohol. Support is present at pages 6-7, paragraph 0022.

Dependent claims 27-28 and 35-36 specifically claim the polyhydric alcohol as being propylene glycol. Independent claim 1 has been canceled and certain claims dependent thereon amended to be dependent on independent claim 62. Since the claims have been amended to incorporate matter previously considered with respect to dependent claims, the amendments are properly considered at this time.

Since claims 3 and 4 have not been rejected under the rejections denoted as (3), (5), (6), (7), (9), (10), (11) and (12) above, applicants respectfully submit that these rejections are rendered moot since the subject matter thereof has been incorporated into remaining independent claims 2 and 62.

Thus, the only rejections remaining are the rejections denoted as (1), (2), (4) and (8) above based on Michael applied alone under 35 U.S.C. §102(b), and under 35 U.S.C. §103(a) Neumiller '681 applied alone, Cummings applied alone and Conway applied alone. As to these remaining rejections, applicants submit that the combination as claimed by applicants is not taught or suggested in the applied art.

As to the rejection denoted as (1) above of claims 1-4, 15-18, 23-26, 37-40, 47-52, 55-56 and 66-67 under 35 U.S.C. §102(b) as anticipated by Michael, relying on Example 6 in column 12 thereof, Michael does not teach each and

every claimed element. In particular Michael does not teach a hard surface cleaning composition including the combination as claimed including the defined glycol ether low volatile non-VOC evaporative organic solvent having a limited solubility in water of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm, an amphoteric surfactant and a co-solvent different from the glycol ether solvent and including at least an aliphatic alcohol, a polyhydric alcohol and an alkanolamine. Formula 6, in column 12 of Michael as relied on by the Examiner as anticipating the claimed composition, does not include the claimed combination. Accordingly, Michael does not teach each and every element of the invention as claimed and, therefore, does not anticipate the claimed composition within the meaning of 35 U.S.C. §102 as to the denoted claims. Withdrawal of the §102 rejection is requested.

As to the rejection denoted as (2) above of claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56 and 66-68 under 35 U.S.C. §103(a) over Neumiller '681, the Examiner acknowledges that Neumiller '681 fails to specifically disclose a composition comprising an amphoteric surfactant and the combination of amphoteric and anionic surfactants as claimed, but simply states that such addition would be obvious in order to adjust the surface tension of the composition taught in Neumiller '681. Applicants

respectfully submit that it would not have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an amphoteric surfactant or the combination of anionic and amphoteric surfactants as asserted by the Examiner to adjust the surface tension of the composition as taught by Neumiller '681 and obtain applicants' claimed composition. Neumiller '681 in addition to not teaching or suggesting an amphoteric surfactant does not recognize the problem addressed by applicants, in particular no criticality is recognized regarding the VOC content or the VOC content in combination with the defined low volatile non-VOC evaporative organic solvent. There is no basis for modifying the composition described in Neumiller '681 to provide the combination as claimed by applicants. If it was desired to modify the surface tension of the composition as taught in Neumiller '681, one skilled in the art would use one of the surfactants taught therein as being compatible with the other components and not use a different surfactant not recognized as compatible. Applicants respectfully submit that the Examiner's assertion is possible only through hindsight of knowing applicants' desirable combination. Accordingly, Neumiller '681 does not render the invention as claimed obvious within the meaning

of 35 U.S.C. §103(a). Withdrawal of the §103 rejection is respectfully requested.

As to the rejection denoted as (4) above of claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56, 59-60, 62-63 and 65-71 under 35 U.S.C. §103 over Cummings, the Examiner acknowledges that Cummings fails to specifically disclose a composition comprising an amphoteric surfactant or the combination of amphoteric and anionic surfactants, and the VOC content of the composition which is less than 4% by weight, or 3%, or about 1% by weight or less. The Examiner asserts that it would be obvious to incorporate an amphoteric surfactant or combination of amphoteric and anionic surfactants because Cummings suggests their combination as suitable surfactants, and that the VOC content is obvious as mere optimization through routine experimentation. Applicants' respectfully submit that it would not have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an amphoteric surfactant or the combination of anionic and amphoteric surfactants to the composition of Cummings and to provide a composition with the VOC content as claimed in that Cummings does not teach or suggest a cleaning composition including an amphoteric surfactant in combination with the claimed VOC content and the claimed

defined solvent, i.e., a low-volatile non-VOC evaporative organic solvent that has limited solubility in water of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm. Cummings also does not teach the inclusion of an alkanolamine as a co-solvent in a combination as claimed. Further, Cummings does not recognize the problem being addressed by applicants and, therefore, does not recognize any criticality in providing the limitations in combination as claimed, i.e., the particular surfactant (at least an amphoteric surfactant), defined VOC content and solvent with defined properties, in particular the surface reduction capacity as claimed, and co-solvent including an alkanolamine and aliphatic alcohol. Accordingly, Cummings does not render the invention as claimed obvious within the meaning of 35 U.S.C. §103(a). No suggestion is present to one skilled in the art to selectively modify these elements to provide the properties claimed to achieve the composition as claimed. Withdrawal of the §103 rejection denoted as (4) above is respectfully requested.

As to the rejection denoted as (8) above of claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56 and 59-71 under 35 U.S.C. §103(a) over Conway, the Examiner acknowledges that Conway fails to specifically disclose an



aqueous cleaning composition which comprises ethylene glycol n-hexyl ether, amphoteric and anionic surfactants, isopropanol, propylene glycol or monoethanolamine in the amounts as claimed and wherein the composition has a VOC content which is 4% by weight or less as claimed but submits that such components would be obvious to provide in optimum amounts and that the VOC content would be an obvious selection based on optimization of a result effective variable. Applicants submit that it would not have been obvious to one of ordinary skill in the art at the time of the invention to prepare an aqueous cleaning composition comprising ethylene glycol n-hexyl ether, amphoteric and anionic surfactants, isopropanol, propylene glycol or an alkanolamine, in particular monoethanolamine, in the amounts as claimed and wherein the composition has a VOC content which is 4% by weight or less as claimed based on mere optimization since Conway does not provide any recognition of the problem being addressed by applicants. Thus, no guidance or suggestion is provided as to picking and choosing select components, in select amounts to achieve a defined VOC content in order to achieve the particular combination claimed by applicants. Conway teaches ranges considered optimum. Such ranges include up to 10% aliphatic alcohol and up to 5% of secondary alcohols. Thus, Conway

provides a composition useful as a hard surface cleaner which can have a VOC content of as much as 15% based on these components alone. In the absence of other teaching, no suggestion is provided to obtain a VOC content as claimed with a combination of components as claimed. To the extent Conway provides examples of a composition with a VOC content of a lesser amount, such compositions do not include the claimed amphoteric surfactant. The assertion of the Examiner is based on a selection of isolated components set forth in Conway and further modifying these components in order to achieve applicants' composition as claimed. No teaching or suggestion is present as to how to "optimize" the components set forth in the Conway to obtain the particular combination as claimed. Accordingly, Conway does not render the invention as claimed obvious within the meaning of 35 U.S.C. §103(a). Withdrawal of the §103 rejection is respectfully requested.

In summary, the claimed hard surface cleaning compositions include specified combinations of components which in turn have specified features. The compositions of claim 2 include (1) at least one glycol ether solvent which is a low volatile non-VOC evaporative organic solvent with a limited water solubility of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm,

(2) at least one amphoteric surfactant, (3) at least one co-solvent which is different than (1) and includes an aliphatic alcohol, an alkanolamine and a polyhydric alcohol, and (4) an aqueous carrier, wherein the composition has a VOC content of less than about 4% by weight. Claim 62, the only other independent claim includes (1) a least one glycol ether solvent which is a low volatile non-VOC evaporative organic solvent with a limited water solubility of less than 20% and reduces surface tension of the composition to less than 40 dynes/cm, (2) at least one amphoteric surfactant, (3) at least one co-solvent which is different than (1) and includes an aliphatic alcohol and an alkanolamine, (4) a polymer or copolymer, and (5) an aqueous carrier, wherein the composition has a VOC content of less than about 40% by weight. Based on the many compounds and possible combinations thereof disclosed in the applied art and lack of suggestion for selecting and combining the variously disclosed compounds as claimed, in particular in view of the lack of recognition as to the problems addressed by applicants and the specific defining properties claimed as to the respective components to achieve a composition with a VOC content of less than 4% by weight, applicants respectfully submit that the applied art provides no teaching or suggestion for selectively choosing isolated


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elements in such a manner as to achieve applicants' claimed compositions. None of the applied art teaches each and every element of the claims in order to anticipate the claims under §102. Further, some reasonable basis needs to be provided by the applied art to render the claims obvious within the meaning of §103. No such reason is present. A mere assertion of optimization, in view of the differences described above, is respectfully submitted to be not sufficient under 35 U.S.C. §103.

Reconsideration and allowance of the claims are respectfully urged.

Respectfully submitted,

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